

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

CARMELA CAPOROSSO,

Plaintiffs,

v.

UNIFI AVIATION, LLC, DELTA AIR
LINES, INC., and JOHN DOE,

Defendants.

CIVIL ACTION

FILE NO. _____

DEFENDANTS' NOTICE OF REMOVAL

COME NOW, Defendant Delta Air Lines, Inc. and Defendant Unifi Aviation, LLC (hereinafter, "Defendants"), named as Defendants in the above-referenced matter, and file this Notice of Removal of Plaintiff's Complaint pursuant to 28 U.S.C. §§ 1441 and 1446.

1. This Notice is filed on behalf of Defendants in this case.
2. This action was commenced in the State Court of Gwinnett County, Georgia (Civil Action File No. 23-C-05697-S5). Plaintiff's initial pleading commencing this action was filed with the Clerk of the State Court of Gwinnett County on August 10, 2023. Service on Defendants was perfected on August 15, 2023. (*See* Exs. 8, 9). Therefore, this Notice of Removal is timely under 28 U.S.C. § 1446(b)(1).

3. The action is a civil suit that purports to state claims for violation of the Air Carrier Access Act (14 C.F.R. § 382). (*See* Ex. 1 ¶¶ 12-24). Plaintiff alleges Defendants violated 14 C.F.R. § 382 in their breach of duties to Plaintiff during her deplaning process upon arrival at Hartsfield Jackson Atlanta International Airport (“Airport”) on January 23, 2023. (*Id.*).
4. This Court therefore has original jurisdiction over the 14 C.F.R. § 382 claims under 28 U.S.C. § 1331.
5. The United States District Court for the Northern District of Georgia, Atlanta Division, is the appropriate district court embracing the place where this action is pending.
6. As of this filing, Defendants have not filed a responsive pleading in the state court below since the time for doing so has not yet passed. Pursuant to the Federal Rules of Civil Procedure, Defendants have seven (7) days after this Notice of Removal is filed to do so. Fed. R. Civ. P. 81(c)(2).
7. Copies of the Complaint, the summons, and all other documents filed in the state court are attached as Exhibit A to this Notice as described below.

Description	Date of Filing
Plaintiff’s Complaint	August 10, 2023
Summons to Defendant Delta Air Lines, Inc.	August 10, 2023
Summons to Defendant Unifi Aviation, LLC	August 10, 2023

Plaintiff's First Interrogatories to Defendants	August 10, 2023
Plaintiff's First Request for Production to Defendants	August 10, 2023
Plaintiff's First Request for Admissions to Defendants	August 10, 2023
Civil Case Filing Form	August 10, 2023
Affidavit of Service on Defendant Delta Air Lines Inc.	August 30, 2023
Affidavit of Service on Defendant Unifi Aviation, LLC	August 30, 2023

WHEREFORE, Defendants pray that this cause be removed to the United States District Court for the Northern District of Georgia, Atlanta Division, and that no further proceedings occur in the State Court of Gwinnett County, Georgia.

Respectfully submitted, this 13th day of September, 2023.

HALL BOOTH SMITH, P.C.

/s/ Justin M. Kerenyi

JUSTIN M. KERENYI

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Counsel for Defendants Delta Air Lines, Inc. and Unifi, LLC

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the within and foregoing **DEFENDANTS' NOTICE OF REMOVAL** upon counsel for all parties by depositing a true copy of the same in the in the U.S. Mail, proper postage prepaid, addressed to counsel of record as follows and/or filing said document with the CM/ECF system which will automatically send electronic notification to the following:

Peter A. Law, Esq.
E. Michael Moran, Esq.
Denise D. Hoying, Esq.
LAW & MORAN
563 Spring Street, N.W.
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Respectfully submitted, this 13th day of September, 2023.

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